



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,080	12/19/2003	John C. Marshall	6247.460	9921

7590 12/17/2004

Joseph W. Berenato, III
Liniak, Berenato & White, LLC
Suite 240
6550 Rock Spring Drive
Bethesda, MD 20817

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/739,080

Applicant(s)

MARSHALL, JOHN C.

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 3632

This is an office action for serial number 10/739,080,
entitled Ceiling Fan Display, filed on December 19, 2003.

Election/Restrictions

Claims 15-18 and 20 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 28, 2004.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 5, 7, 8, 10, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "vertical segments" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3632

Claim 5 recites the limitation "said first member" "said second member" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said support base" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "first member second end and second member second end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "first and said second member" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said support base" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said horizontally extending arm" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said ceiling fan" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The claims have been rejected under 35 U.S.C. 112 for the above reasons. Please note that the Examiner may not have

Art Unit: 3632

pointed out each and every example of indefiniteness. The applicant is required to review all the claim language to make sure the claimed invention is clear and definite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 11, (as best understood), 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Deshler 6,158,701. Maury discloses a vertical support (28) having a first and second end being two segments (28a and 28b), a product being a ceiling fan (46), a base (26), an arm (40), threaded bolt (32). Maury discloses all of the limitation of the claimed invention except for the segments so that a portion of a top of each said segment slides inside a base of a next higher segment and a base plate and a horizontal base. Haase teaches that it is known to have segments so that a portion of a top of each said segment slides inside a base of a next higher segment (figure 2). It

Art Unit: 3632

would have been obvious to one having ordinary skill in the art to have made the vertical support of segments as taught by Haase for the purpose of decreasing or increasing the length of the vertical support. Desler teaches that it is known to have a base plate (58) and a horizontal base (54,51,57,52,53) having a T-outline (57, 54). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Maury in view of Haase to have a base plate and horizontal base as taught by Desler for the purpose of providing lateral stability. It would have been an obvious matter of design choice to have made the horizontal base in a T-shaped outline, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art since the applicant has not shown how the chosen shape is critical.

Claims 4-10, and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Deshler 6,158,701 and in further view of Allen et al. (Allen) 6,560,794. Maury in view of Haase and Desler discloses all of the limitations of the claimed invention except for the T-Outline with first member, second member, having five 90 degree bends and being tubular. Allen teaches that it is known to have a structure formed of

Art Unit: 3632

segments being tubular having more than five 90 degree bends to form a shape. It would have been obvious to one having ordinary skill in the art to have modified Maury in view of Haase and Deshler to have made a member with first member, second member, having five 90 degree bends and being tubular as taught by Allen for the purpose of stability and design choice since the applicant does not provide how the shape of the horizontal base is critical.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Deshler 6,158,701 in further view of Matson 3,519,234. Matson discloses support elements (48). It would have been obvious to one having ordinary skill in the art to have modified Maury in view of Haase and Deshler to have included the support braces as taught by Matson for the purpose of providing a means for supporting a sign.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional support displays.

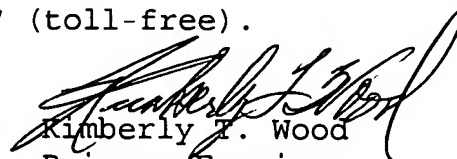
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly

Art Unit: 3632

T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

December 13, 2004